

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

MFA.No. 579 of 2002(B)

OPMV.466/1997 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, MAVELIKKARA

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APPELLANT: 2ND RESPONDENT:-

**THE ORIENTAL INSURANCE CO.LTD.,
KAYAMKULAM, REPRESENTED BY ITS ASST.MANAGER,
REGIONAL OFFICE, ERNAKULAM NORTH, KOCHI-18.**

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS: CLAIMANTS/RESPONDENTS 1ST RESPONDENT:

- 1. K.SUMATHI AMMA, PUTHENPARAMBIL,
ERAMATHOOR P.O., MANNAR.**
- 2. SAJITHA DEVI K., PUTHENPARAMBIL,
ERAMATHOOR P.O., MANNAR.**
- 3. SAJINI DEVI K., PUTHENPARAMBIL,
ERAMATHOOR P.O., MANNAR.**
- 4. SOUMYA P.K., PUTHENPARAMBIL,
ERAMATHOOR P.O., MANNAR.**
- 5. PAPPY AMMA, PUTHENPARAMBIL,
ERAMATHOOR P.O., MANNAR.**
- 6. C.R.SIVADASAN, VADAKKEKARA KIZHAKKU,
PALLIPPADU P.O.**

BY ADV. SRI.S.ARUN RAJ

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.**

M.F.A.NO.579 OF 2002

Dated this the 18th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Insurance company is the appellant. The accident is not disputed; so also the insurance coverage. The only question is whether the Tribunal is justified in holding the first respondent negligent and whether the amount awarded is just and reasonable. We have perused the award. We are not prepared to say that the amount awarded is on a higher side. Further, the Tribunal, on facts, found that the liability of the deceased is 25% and the liability of the first respondent owner-cum-driver is 75%. We find no reason to take a different view, so as to interfere with the award.

The appeal is therefore dismissed.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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K.S. Radhakrishnan &

T.R. Ramachandran Nair, JJ.

M.F.A No.579 of 2002

JUDGMENT

18th December, 2007.